

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Feb 04, 2025**

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Alberto Daniel Serrato Case Number: 0980 2:12CR06055-EFS-1

Address of Offender: [REDACTED] Kennewick, Washington 99336

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, Senior U.S. District Judge

Date of Original Sentence: June 5, 2013

Original Offense: Felon in Possession of a Firearm, 18 U.S.C. § 922(g)(1)

Original Sentence: Prison - 37 months Type of Supervision: Supervised Release
TSR - 36 months

Revocation Sentence: Prison-7 months
(December 18, 2023) TSR- 10 months

Asst. U.S. Attorney: Laurel Holland Date Supervision Commenced: July 3, 2024

Defense Attorney: Nick Mirr Date Supervision Expires: May 2, 2025

PETITIONING THE COURT

To issue a **warrant**.

On July 5, 2024, Mr. Serrato reported to the probation office and all the conditions of supervised release were reviewed with him. He signed a copy of his conditions, verbalized a full understanding, and was given a signed copy. He was initially referred to Merit Resource Services to complete a substance abuse evaluation and to participate on the color line program for random drug testing. Later on October 24, 2024, Mr. Serrato was referred to Life Renewal for substance abuse treatment services and for drug testing. He was instructed to call the color line daily, Monday-Friday, and to report to Life Renewal for drug testing when his assigned color was called.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1	<p><u>Special Condition #4:</u> You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.</p> <p><u>Supporting Evidence:</u> Alberto Daniel Serrato is considered to be in violation of his conditions of supervised release by using a controlled substance, cocaine, on or about January 6, 2025.</p>

Prob12C

Re: Serrato, Alberto Daniel**February 3, 2025****Page 2**

On January 7, 2025, Mr. Serrato reported to the probation office as instructed after the probation office received concerns from his wife suspecting the defendant was using drugs. Mr. Serrato was instructed to complete a drug test. At first, he reported he was not ready to produce a sample for drug testing because he had just gone to the bathroom. He later admitted to the undersigned officer of having used cocaine the day before on January 6, 2025, after an argument with his wife, and this is why he initially reported he could not complete the drug test. Mr. Serrato denied using any other controlled substances. He completed a drug test which was presumptive positive for cocaine. This drug test was packaged and sent to Abbott Laboratory. The drug test report was later received confirming a positive result for cocaine.

- 2 **Special Condition # 4:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Alberto Daniel Serrato is considered to be in violation of his conditions of supervised release by using a controlled substance, methamphetamine, on or about January 8, 2025.

On January 8, 2025, Mr. Serrato completed a color line drug test at Life Renewal. The results were presumptive positive for alcohol, amphetamine, methamphetamine, and cocaine. The defendant currently does not have a special condition restricting alcohol use. Life Renewal staff packaged and sent the drug test to Abbott Laboratory. The drug test was later received confirming a positive result for amphetamine, methamphetamine, and cocaine. Mr. Serrato previously admitted to using cocaine on January 6, 2025, as mentioned in the violation above.

- 3 **Special Condition # 4:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Alberto Daniel Serrato is considered to be in violation of his conditions of supervised release by using a controlled substance, methamphetamine, on or before January 14, 2025.

On January 14, 2025, Mr. Serrato reported to the probation office and completed a drug test as required. The undersigned officer questioned Mr. Serrato about any new drug use while waiting for the instant testing cup to read the results. His answer was that he was waiting to see the onsite test results. He then admitted to using methamphetamine approximately 3 days prior, then said a couple days ago, and then stated he could not say exactly, other than it was over the weekend.

The onsite test results were positive for cocaine, amphetamine, and methamphetamine. Mr. Serrato denied using cocaine, and as noted above, admitted to using methamphetamine. The drug test was packaged and sent to Abbott Laboratory for confirmation. The drug test report was later received confirming a negative result for cocaine, and confirming a positive result for amphetamine and methamphetamine.

Prob12C

Re: Serrato, Alberto Daniel

February 3, 2025

Page 3

- 4 **Special Condition # 4:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Alberto Daniel Serrato is considered to be in violation of his conditions of supervised release by failing to report for drug testing on January 21, 2025, as required.

On January 22, 2025, Life Renewal staff reported Mr. Serrato failed to report for drug testing when his assigned color was called on January 21, 2025. On that same date, the undersigned officer made telephonic contact with Mr. Serrato and questioned him about this missed drug test. He admitted he did not report for drug testing at Life Renewal as he probably forgot to call the color line.

- 5 **Special Condition # 4:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Alberto Daniel Serrato is considered to be in violation of his conditions of supervised release by using a controlled substance, methamphetamine, on or before January 22, 2025.

On January 22, 2025, during the same phone conversation as mentioned in violation number 4, the undersigned officer questioned Mr. Serrato about new drug use. Mr. Serrato admitted to using methamphetamine a few days prior. He also admitted to using on a weekly basis when questioned about the frequency of his drug use.

He was instructed to complete a drug test on that same date at Life Renewal, which he did, and the test results were later confirmed to be positive for amphetamine and methamphetamine by Abbott Laboratory.

- 6 **Special Condition # 4:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Alberto Daniel Serrato is considered to be in violation of his conditions of supervised release by using a controlled substance, cocaine, on or about January 28, 2025.

On January 28, 2025, Mr. Serrato reported to the probation office as required and completed a drug test. The onsite test results were presumptive positive for amphetamine and methamphetamine. Mr. Serrato denied any new drug use when questioned by the undersigned officer. He reported his last drug use of methamphetamine was around January 20, 2025, which was from his last drug use admission from the telephone conversation previously on January 22, 2025, as mentioned in violation number 5. This drug test was packaged and sent to Abbott Laboratory for confirmation. The drug test report is pending.

Prob12C

Re: Serrato, Alberto Daniel

February 3, 2025

Page 4

The U.S. Probation Office respectfully recommends the Court issue a **warrant** requiring the defendant to appear to answer to the allegation(s) contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: February 3, 2025

s/Elizabeth Lee

Elizabeth Lee
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

2/4/2025

Date